



---

# On Women, Law and Liberal Feminism

Stephania Elis Karasamani

*Leicester Law Review*

*Spring 2018*

---

*This article seeks to evaluate the pertinence of liberal feminism as the best normative approach with which to criticise and consequently lead to the modification of the law. Liberal feminism, along with other feminist theories like the radical or dominance theory, the anti-essentialist or postmodern theory and cultural or the ethics of care theory, have emerged as subtle acts of defiance against the law which is, at large, made by and for men. An analysis of liberal feminism and its constitutive aspects, including the focus on the notions of individualism, gender neutrality and the public/private dichotomy, deem the theory inadequate to fulfil feminism's purpose—to make the lives of women better.*

## I. Introduction

*'Let woman share the rights and she will emulate the virtues of man; for she must grow more perfect when emancipated'*<sup>1</sup>

The famous words of Mary Wollstonecraft illustrate a succinct account of what liberal feminism is all about. With the emergence of liberal political thought in the Enlightenment, liberal feminism builds upon the liberal notions of formal equality, liberty and freedom.<sup>2</sup> Liberal feminism is thus not a distinct feminist theory.<sup>3</sup> Other strands of feminism include radical or dominance theory, anti-essentialist or postmodern theory and cultural or the ethic of care theory. The four feminist movements that I have identified all take different paths to reach the same destination. That is, at the most basic level, to make the lives of women better and to end the silencing of women's voices. Feminist jurisprudence is a legal theory that calls for social change and development. Even though there are other means for bringing about social change, for instance challenging the *status quo* in literature and the arts,<sup>4</sup> feminists do not disregard the power of the law to define societal norms,<sup>5</sup> shape the very world in which we live and determine our existence.<sup>6</sup>

Thus, the normative nature of feminist legal theory renders the task of criticizing the law necessary and ceaseless. With the existence of various feminist movements, the feminist of the 21<sup>st</sup> century is left perplexed and she begins wondering which is the best feminist critique of the law. Doubts can be harboured as to whether liberal feminism is the best critique of law from a feminist perspective. The liberal feminist's sameness approach and her insistence on the public/private dichotomy deem her critique of the law insufficient.

The purpose of this article is to critically analyse the liberal feminist's method to critique the law. In section II, I will illustrate that from a feminist perspective, liberal feminism is not the best critique of law based on three tenets of this school of thought: the notion of individualism, the public/private dichotomy and the notion of gender neutrality. In section III, to exemplify the futile nature of liberal feminism as an adequate critique of the law, I will draw upon the law of international human rights to show that to sufficiently provide protection for women's human rights, feminists cannot and should not rely solely on a liberal feminist critique. My rejection of this theory's sameness approach,

---

<sup>1</sup> Mary Wollstonecraft, *A vindication of the rights of woman* (1792) vii.

<sup>2</sup> Emily Jackson and Nicola Lacey, 'Introducing Feminist Legal Theory' in James Penner, David Schiff and Richard Nobles, *Jurisprudence and legal theory* (OUP 2005) 794.

<sup>3</sup> *ibid.*

<sup>4</sup> For instance, avant-garde artist, singer and activist Yoko Ono, presented *Cut Piece* at the Yamaichi Concert Hall in Kyoto, Japan where she sat still as parts of her clothing were

cut off her. The performance was a way to protest violence against women. Helena Reckitt, *Art and Feminism* (Phaidon Press 2001) 61.

<sup>5</sup> Anne Bottomley, 'Self and Subjectivities: Languages of claim in property law' (1993) 20(1) *Journal of Law and Society* 57.

<sup>6</sup> Carol Smart, *Feminism and the Power of the Law* (Routledge 1989) 163-165.

supported by liberal feminists, leads me to a discussion of embracing the difference approach and the notion of women-centeredness in the law (section IV).<sup>7</sup> Some argue that putting 'women' at the centre of law implies that women are the same in some sense, that they share the same 'essence'. Nonetheless, I argue that women-centeredness should not, and does not necessarily, imply essentialism. Finally, and as an attempt to 'find' the best critique of law from a feminist perspective, I will provide a proposal for the way forward (section V). This essay ends with a conclusion that provides a synopsis of all that has been argued (section VI).

## II. The flaws of liberal feminism

### Women in a world already constituted<sup>8</sup>

The sex/gender divide has shaped the world in which we live, and that includes the law in general and the legal system in particular. The result is a highly politically and ethically problematic reality that consists 'not only in differentiation but in domination, oppression and discrimination'.<sup>9</sup> This observation led feminist legal theorists to conclude that the law makes systemic bias invisible, normal and socially entrenched. This leads bias to be accepted not only by its actors within the legal system, such as the judiciary, but also by its victims and its beneficiaries.<sup>10</sup> Precisely, the feminist movement targets the law to meet its objectives because the law has the power to, *inter alia*, redefine harmless flirtation into sexual harassment, misplaced paternal affection into child sexual abuse and seduction into rape.<sup>11</sup> The power of the law does not only lie in regulation and control—the law has the power to unravel the truth, to condemn or praise certain actions and practices. As a domain where women have been absent for far too long, some feminists argue that women have not been valued in law because of its male dominance.<sup>12</sup> Male dominance in the law means but one thing: societal norms shaped by the law depend on *man's rights* and *his* view of the world. I do not suggest that this is some sort of conspiracy on behalf of male decision makers to disadvantage women purposefully; nonetheless, policies designed for men do not fit well with women's lives.<sup>13</sup>

The task of liberal feminism is to challenge the way in which the law assumed the 'pre-formed sexes and ordered their relations'.<sup>14</sup> The liberal feminist's search is for bias against women or the exclusion of women and the organisation of the law around men (the *de facto* exclusion of women). The success of liberal feminism lies in challenging legislation that shows *de facto* exclusion of women and the trigger of enacting new legislation to outlaw such discrimination. Liberal feminist Martha

Nussbaum claims that 'liberal political thought has not yet realized its full potential' because the 'liberal is right'.<sup>15</sup> However, as it will be shown subsequently in this section and section III, liberal feminism does not aid the feminist's endeavour for eliminating women's subordination *vis-à-vis* discrimination that is not *de facto* but *de jure*.

### Individualism

Individualism and autonomy lie at the heart of liberal feminism. Liberal feminists' belief that women are self-made and individualistic beings fails to focus on the systemic exclusion and disadvantage of women both of which are instrumental to women's subordination. Also, as a theory it is ill equipped to deal with the legal and ethical dilemmas with regard to pregnant women which are incoherent with individualism *ipso facto*.<sup>16</sup> Behind the veil of autonomy, the fact that women are underrepresented in various fields of life is effectively covered.<sup>17</sup> Arguably, we need to revise the traditional notion of autonomy and understand that there are no human beings in the absence of relations with others.<sup>18</sup> The ethics of care theory developed by sociologist Carol Gilligan is useful in this regard and ultimately for women's empowerment "[because] in the different voice of women lies the truth of an ethic of care, that tie between relationship and responsibility, and the origins of aggression in the failure of connection."<sup>19</sup>

Unless we recognise the differences between women and men, and thus shape law and policy to reflect it, women's subordination will not cease to exist. Drucilla Cornell argues that if we neglect the value of the feminine within sexual difference 'we cannot adequately challenge the acceptance of male as the human and therefore ultimately challenge gender hierarchy',<sup>20</sup> and I believe she is right. Thus, liberal feminism is inadequate as a feminist legal theory that insists on individuality in truly sparking social change.

### Gender neutrality

In a similar vein, the focus on gender neutrality does not aid the liberal feminist's critique of the law. On the contrary, in a gender-structured world, aiming for gender neutral laws is a utopian vision that most likely leads to dystopia as far as women are concerned. The sameness approach, which is the idea that women can be like men, and the quest for formal equality, turns a blind eye to the current gender hierarchy and the subordination of women. This critique of liberal feminism mainly comes from difference feminists and most notably from Catharine MacKinnon who famously stated that she

<sup>7</sup> Joanne Conaghan, 'Reassessing the Feminist Theoretical Project in Law' (2000) 27(3) *Journal of Law and Society* 385.

<sup>8</sup> Clare Dalton, 'Where we stand: Observations on the situation of feminist legal thought' (2013) 3(1) *Berkeley journal of Gender, Law and Justice* 5.

<sup>9</sup> James Penner, David Schiff and Richard Nobles (n 2) 784-785.

<sup>10</sup> Patricia Smith, *Feminist Jurisprudence* (OUP 1993).

<sup>11</sup> Carol Smart (n 6) 163.

<sup>12</sup> Frances Olsen, 'Feminism and Critical Legal Theory: An American Perspective' (1990)

18 *Journal of the Sociology of Law* 199-201.

<sup>13</sup> Judith Baer, 'Feminist theory and the Law' in Robert E. Goodin (ed) *The Oxford Handbook of Political Science* (OUP 2011) 307.

<sup>14</sup> Ngyre Naffine and Rosemary Owens, 'Sexing law' in Ngyre Naffine and Rosemary Owens (eds) *Sexing the subject of law* (Sweet & Maxwell 1997) 4.

<sup>15</sup> Martha Nussbaum, 'The Future of Feminist Liberalism' (2000) 74(2) *Proceedings and Addresses of the American Philosophical Association* 67-68.

<sup>16</sup> Robin L. West, 'The difference in women's hedonic lives: a phenomenological critique of feminist legal theory' [2000] *Winconsin Women's Law Journal* 210.

<sup>17</sup> James Penner, David Schiff and Richard Nobles (n 2) 794-795.

<sup>18</sup> Jennifer Nedelsky, 'Reconceiving Autonomy: Sources, Thoughts and Possibilities' [1989] *Yale Journal of Law and Feminism* 2-3.

<sup>19</sup> Carol Gilligan, *In a different voice* (Harvard University Press; Revised edition 1993).

<sup>20</sup> Drucilla Cornell, *Transformations: Recollective Imagination and Sexual Difference* (Routledge 1993) 141-142.

talked about women and men because she didn't see many persons around.<sup>21</sup> Sociologist Carol Gilligan illustrates that specific theory, that originates from male theorising since it has originated from men, becomes universal theory in much the same way that 'man' has come to mean both man in particular and man and woman in universal.<sup>22</sup>

### The public/private dichotomy

Most importantly, the distinction that liberal feminists draw between the private sphere and the public sphere adds to the premise that the state is only obligated or allowed to regulate the public sphere and not the private.<sup>23</sup> Nicola Lacey rhetorically asks, 'To what extent is it sensible to see our world as divided into spheres corresponding to state/civil society, market/family?'<sup>24</sup> Indeed, the division made by the liberal feminist is nonsensical and conceptually flawed. For instance, as Mossman rightly argues,<sup>25</sup> the law can evade the feminist's critique by claiming that a matter is moral rather than legal. She uses the example of prostitution in the UK where it is considered a moral issue rather than a legal issue and is thus not a matter for the law to be concerned with.<sup>26</sup> In this sense, the feminist challenge is deemed irrelevant and 'women lawyers are faced with the choice of being good feminists and bad lawyers, or the converse'.<sup>27</sup>

The liberal insistence on the public/private divide, I argue, is deleterious for feminism and the feminist's struggle for social change. Women's subordination flies under the flag of privacy so that there are areas that are labelled inappropriate for state involvement, where the discourse of human rights is made irrelevant, and it is in those areas where women most need protection.<sup>28</sup>

'When a woman is tortured in an Argentinian prison cell, even it is forgotten that she is a woman, it is seen that her human rights are violated because what is done to her is also done to men. But when a woman is tortured by her husband in her home, humanity is not seen to be violated. Here she is a woman—only a woman'<sup>29</sup>

The liberal feminist has a sword of Damocles hanging over her head for insisting on retaining the public/private divide in feminist discourse. Some feminists argue that the human rights movement can only accommodate women if the conceptual problem of the public/private dichotomy is overcome.<sup>30</sup> In agreement with this

statement, it is submitted that we have to embrace other feminist theories, besides the liberal, to critique the law if the goal is to end bias and women's subordination. Sections IV and V will deal with such a proposal.

The liberal feminist's insistence on the public/private divide is inadequate to provide an effective critique of the law and meet its normative objectives particularly *vis-à-vis* human rights legal instruments. To this I turn in the next section.

### **III. Human rights and women's rights: one and the same (?)**

#### Are women human?

One would think that with the genesis of international human rights treaties and other instruments for the protection of universal, fundamental and genderless rights, women would find protection in the law by the virtue of being human. Civil and political rights include the concept of non-discrimination and equality<sup>31</sup> and there are sex specific rights concerning bodily integrity.<sup>32</sup> Nonetheless, despite these advances, women's rights discourse 'exists in the periphery of human rights discourse'.<sup>33</sup> Catharine Mackinnon argues that human rights have not been women's rights.<sup>34</sup> Perhaps, her question 'are women human?' is not as paradoxical as it seems at first glance.

#### Civil and political rights v. economic, social and cultural rights

Civil and political rights are not inherently male but they seek to protect the rights of man in relation to the state. Even the language, 'declarations of the rights of man' exemplifies this point;<sup>35</sup> the law's promised objectivity privileges the male perspective. In this sense, a critique of the law from a liberal feminist point is of no use as objective laws are coherent with the liberal notion of gender neutrality. The language of equal rights, and the liberal feminist's endeavour towards formal equality, merely reinforces the *status quo*<sup>36</sup>: women are given access to a 'world already constituted'.<sup>37</sup> In this sense it is *men's rights* that are extended to include women's rights in the public domain, as well as the legal world, from which they have been excluded<sup>38</sup>. Rights are a double-edged sword in that they operate within existing discourse.<sup>39</sup> The liberal feminist's support of rights-based arguments is inadequate to critique existing laws and structures because rights are too individualistic, competitive and

<sup>21</sup> James Penner, David Schiff and Richard Nobles (n 2) 796.

<sup>22</sup> Anne Bottomley, Susie Gibson and Belinda Meteyard, 'Dworkin; Which Dworkin?

Taking Feminism Seriously' (1987) 14 Journal of Law and Society 55.

<sup>23</sup> James Penner, David Schiff and Richard Nobles (n 2) 794-795.

<sup>24</sup> *ibid.*

<sup>25</sup> Mary Jane Mossman, 'Feminism and the legal method: The difference it makes' (1987)

3 Wisconsin Women's Law Journal 147-168.

<sup>26</sup> *ibid.*

<sup>27</sup> Carol Smart (n 6) 22.

<sup>28</sup> Catharine Mackinnon, *Are women human? And other international dialogues* (Harvard University Press 2007) 23.

<sup>29</sup> *ibid.* 181.

<sup>30</sup> Noreen Burrows, 'International law and human rights: the case of women's rights' in Tom Campbell et al (eds) *Human Rights: From Rhetoric to Reality* (Basil Blackwell 1986) 86.

<sup>31</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) Article 26(1); Article 14 and

Protocol 12 European Convention on Human Rights (ECHR); Sex Discrimination Act 1975.

<sup>32</sup> Declaration on the Elimination of Violence Against Women, G.A Res. 104 UN GAOR, 48<sup>th</sup> Sess., UN DOC 1/49/10491993.

<sup>33</sup> Karen Engle, 'International Human Rights and Feminism: When discourses meet' (1992) 13 Michigan Journal of International Law 519.

<sup>34</sup> Catharine Mackinnon (n 28) 180.

<sup>35</sup> Noreen Burrows (n 30) 80.

<sup>36</sup> Stephanie Palmer, 'Feminism and the promise of human rights: possibilities and paradoxes' in Susan James and Stephanie Palmer (Eds), *Visible women* (Hart Publishing 2002) 94.

<sup>37</sup> Clare Dalton (n 8).

<sup>38</sup> Ngaire Naffine, 'Can women be legal persons?' in Susan James and Stephanie Palmer (eds), *Visible women* (Hart Publishing 2002) 67.

<sup>39</sup> Stephanie Palmer (n 36) 98.

indeterminate.<sup>40</sup> The discourse of rights limits possibilities by ignoring 'the relational nature of social life'.<sup>41</sup>

Indeed, civil and political rights belong to women as much as men. However, this is not a sphere where women's rights need most protection.<sup>42</sup> Many women do not even enter the public sphere; they live most of their lives in the family home, the private sphere, which, traditionally, has been perceived as inappropriate for human rights and the protection of civil liberties.<sup>43</sup> In the international arena, the primacy of civil and political rights over social and economic rights illustrates the fact that states do not address human rights violations in the private sphere in the same manner as they do with rights in the public sphere.<sup>44</sup> In Europe, the main human rights instrument, the European Convention on Human Rights (The Convention) does not include economic, social and cultural rights which are those that women are in need of the most. Domestic violence against women, Female Genital Mutilation (FGM) practices as well as food taboos that keep women undernourished are all harms against women that occur within the domestic sphere.<sup>45</sup>

### **Feminism Quo Vadis?**

Liberals argue that women are indeed protected from rape in armed conflict by humanitarian law; they are protected from domestic violence and clitoridectomy by international human rights law and are guaranteed economic, social and cultural rights such as the right to health.<sup>46</sup> The skeptical reader might inquire: what is, then, the purpose of feminism in the postmodern era? Should we take a break from feminism?<sup>47</sup> Arguably, what we need to take a break from is the liberal strand of feminism. In a gender-structured society where bias is still present, where women are not paid the same as men for the same job and where sexual exploitation of women occurs behind closed doors in the domestic sphere (which is beyond the reach of the law) taking a break from feminism is not a good idea. As long as we seek to reach our full potential as women respected and valued in the law, feminism must remain in the agenda.

### **IV. Taking feminism seriously: a move towards women-centeredness**

The premise of this article is to support a women-centered approach—shaping law and policy by placing women at the centre of it so as to avoid her protection being an incidental side-effect of the protection of men. Such an approach requires a move away from liberal feminism and the sameness doctrine and a move towards

embracing difference and empowering the feminine. Indeed, such a shift that focuses on women has proven to be instrumental in transforming legal dogma. The feminist focus on female workers has propelled a transformation of employment legislation. Moreover, the focus on female victims of male violence has sparked debate for criminal justice reform and it has ignited an attitudinal change amongst criminal justice actors<sup>48</sup>. It is the amplification of women's voices and the expression of their pain that has led to the recognition of new offences in the criminal law like the offence of sexual harassment.<sup>49</sup>

Surely, one might argue that advocating for women-centeredness bears the danger of arguing for essentialism, which is the assumption that women's experiences are monolithic and that it is described independent of race, class or sexual orientation.<sup>50</sup> Anti-essentialists and critical race theorists argue that investing woman with an essence is as oppressive as the male dominance we seek to avoid. Harris<sup>51</sup>, Cain<sup>52</sup> and Spelman<sup>53</sup> argue that by essentialising women and speaking for all women is inevitably to exclude the experiences of some while privileging others.<sup>54</sup>

I argue that women-centeredness should not imply essentialism. It remains a useful feminist theory only as long as it remains open to the variegated experiences of women and as long as it does not seek to speak for all women at once.<sup>55</sup> Conaghan argues that we cannot avoid the 'woman of legal feminism, rather we must seek to do her justice'.<sup>56</sup> If we reject essence, should we then abandon the notion of woman as the subject altogether? To the contrary, feminist theory can retain the notion of subject without essentialising it or dissolving it. Subsequently, I will elaborate on this idea in an attempt to provide what might be a better theory with which to critique the law from a feminist perspective.

### **V. Beyond postmodernism: reconstructing the subject**

#### **Existence precedes essence**

Postmodernists oppose essentialism and any notions that portray a universal form of womanhood, thus rejecting essence is the *sine qua non* of dissolving the concept of the subject. Such anti-essentialist arguments have caused 'palpable feminist panic'<sup>57</sup>—and the rationale is striking. As eloquently argued by Marshall, 'a theory that rests on women and men being allowed to develop a strong sense of their own selfhood needs therefore to retain ideas of

<sup>40</sup> *ibid* 96.

<sup>41</sup> Mark Tushnet, 'Rights an essay in informal political theory' (1989) 17 *Politics and Society* 410.

<sup>42</sup> Hilary Charlesworth and Christine Chinkin, *The boundaries of international law: a feminist analysis* (Manchester University Press 2000) 233-237.

<sup>43</sup> Carole Pateman, 'Feminist critiques of the public/private dichotomy' in Stanley I. Benn and Gerland F. Gaus (eds) *Public and private in social life* (Croom Helm 1983) 285.

<sup>44</sup> Hilary Charlesworth and Christine Chinkin, 'The gender of *ius cogens*' in Sari Kouvo and Zoe Pearson (eds), *Gender and International Law* (Routledge 2014) 120.

<sup>45</sup> Karen Engle (n 33) 99.

<sup>46</sup> *ibid* 97.

<sup>47</sup> Janet Halley, *Split decisions: How and why to take a break from feminism* (Princeton University Press 2008).

<sup>48</sup> Joanne Conaghan (n 7) 365-366.

<sup>49</sup> *ibid*.

<sup>50</sup> Angela P. Harris, 'Race and Essentialism in Feminist Legal Theory' (1990) 42 *Stanford Law Review* 588.

<sup>51</sup> *ibid* 581.

<sup>52</sup> Patricia Cain, 'Feminist Jurisprudence: Grounding the Theories' (1989-90) 4 *Berkeley Women's Law Journal* 191.

<sup>53</sup> Elizabeth V. Spelman, *The Inessential Woman* (1989).

<sup>54</sup> *ibid*.

<sup>55</sup> Emily Jackson, 'Contradictions and Coherence in Feminist Responses to Law' (1993) 20 *Journal of Law and Society* 398.

<sup>56</sup> Joanne Conaghan (n 7) 371.

<sup>57</sup> Wendy Brown, *States of Inquiry: Power and Freedom in Late Modernity* (Princeton University Press 1995) 39.

subjectivity not dissolve them out of existence'.<sup>58</sup> The dissolution of the subject will ultimately lead to 'chaos and meaninglessness'.<sup>59</sup> As Marshall argues further, this chaos and meaninglessness is exactly what women have been historically faced with and it is a converse reality that feminism seeks to revive.<sup>60</sup>

Even if one accepts the deconstruction of the subject as it has been constructed at present, through the prism of postmodern theory, it is imperative that the subject is reconstructed 'to ensure a strong sense of identity for all human beings, a notion which is of particular relevance to those historically denied such a sense, including women'.<sup>61</sup> I argue, that women-centeredness should not imply essentialism, but rather feminists should rethink the liberal approach, disregard essentialism, yet remain concerned with all women that pursue fulfilment and empowerment through transforming their identities so that they may lead their lives with dignity. If the subject passes away, what is then the meaning of feminist jurisprudence as a resistive strategy as well as a normative legal theory for social change?

## VI. Conclusion

In the preceding analysis, I have provided a sketch for rejecting liberal feminism as the best means for critique of the law. However, my argument has not been sketched on a blank canvas. The feminist's search for the best critique of the law has led to the development of other feminist theories, besides the liberal, such as cultural feminism, critical race theory and postmodern feminism. I have illustrated that liberal feminism is not the best critique of law from a feminist perspective based on three tenets of the theory. In an attempt to contextualise my argument, I engaged with a discussion of international human rights law. Given my rejection of liberal feminism as the best critique of the law from a feminist perspective, I argued that the best way a feminist shall critique the law is via a difference approach and the notion of women-centeredness. Women-centeredness should not be perceived as essentialism in disguise. Feminists should revise their critique of the law in order to reconstruct the subject, focus on women-centeredness, respect and empower women as well as the notion of the feminine—whatever that means.

## Bibliography

### Primary Sources

#### Table of legislation

Sex Discrimination Act 1975

#### International Treaties

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

European Convention on Human Rights (ECHR).

Declaration on the Elimination of Violence Against Women, G.A Res. 104 UN GAOR, 48<sup>th</sup> Sess., UN DOC 1/49/10491993.

## Secondary Sources

### Books

Benn S and Gaus G.F., 'Public and private in social life' (Croom Helm 1983) 285

Brown W, 'States of Inquiry : Power and Freedom in Late Modernity' (Princeton University Press 1995) 39

Campbell T, 'Human Rights: From Rhetoric to Reality' (Basil Blackwell 1986) 86

Cornell D, 'Transformations: Recollective Imagination and Sexual Difference' (Routledge 1993) 796

Charlesworth H and Chinkin C, 'The boundaries of international law: a feminist analysis' (Manchester University Press 2000) 233-237

Goodin R, 'The Oxford Handbook of Political Science' (Oxford University Press 2011) 307

Gilligan C, 'In a different voice' (Harvard University Press 1993)

Halley J, 'Split decisions: How and why to take a break from feminism' (Princeton University Press 2008)

James S and Palmer S, 'Visible women' (Hart Publishing 2002) 67,94

Kouvo S and Pearson Z, 'Gender and International Law' (Routledge 2014) 120

Mackinnon C, 'Are women human? And other international dialogues' (Harvard University Press 2007) 23

Naffine N and Owens R, 'Sexing the subject of law' (Sweet & Maxwell 1997) 4

Penner J, Schiff D and Nobles R, 'Jurisprudence and legal theory' (OUP 2005) 794

Reckitt H, 'Art and Feminism' (Phaidon Press 2001) 61

Spelman E, 'The Inessential Woman' (1989)

Smart C, 'Feminism and the Power of the Law' (Routledge 1989) 163-165

Smith P, 'Feminist Jurisprudence' (OUP 1993)

Wollstonecraft M, 'A vindication of the rights of woman' (1792) vii

### Journal Articles

Bottomley A, 'Self and Subjectivities: Languages of claim in property law' (1993) 20(1) Journal of Law and Society 57

Bottomley A, Gibson S and Meteyard B, 'Dworkin; Which Dworkin? Taking Feminism Seriously' (1987) 14 Journal of Law and Society 55

<sup>58</sup> Jill Marshall, 'Feminist Jurisprudence: Keeping the Subject Alive' (2006) 14 Feminist Legal Studies 42.

<sup>59</sup> *ibid* 39.

<sup>60</sup> *ibid*.

<sup>61</sup> *ibid*.

Cain P, 'Feminist Jurisprudence: Grounding the Theories' (1989-90) 4 Berkeley Women's Law Journal 191

Conaghan J, 'Reassessing the Feminist Theoretical Project in Law' (2000) 27(3) Journal of Law and Society 385

Dalton C, 'Where we stand : Observations on the situation of feminist legal thought' (2013) 3(1) Berkeley journal of Gender, Law and Justice 5

Engle K, 'International Human Rights and Feminism: When discourses meet' (1992) 13 Michigan Journal of International Law 99, 519

Harris A, 'Race and Essentialism in Feminist Legal Theory' (1990) 42 Stanford Law Review 588

Jackson E, 'Contradictions and Coherence in Feminist Responses to Law' (1993) 20 Journal of Law and Society 398

Marshall J, 'Feminist Jurisprudence: Keeping the Subject Alive' (2006) 14 Feminist Legal Studies 42

Mossman J.M., 'Feminism and the legal method : The difference it makes' (1987) 3 Wisconsin Women's Law Journal 147-168

Nedelsky J, 'Reconceiving Autonomy: Sources, Thoughts and Possibilities' (1989) Yale Journal of Law and Feminism 2-3

Nussbaum M, 'The Future of Feminist Liberalism' (2000) 74(2) Proceedings and Addresses of the American Philosophical Association 67-68

Olsen F, 'Feminism and Critical Legal Theory : An American Perspective' (1990) 18 Journal of the Sociology of Law 199-201

Tushnet M, 'Rights an essay in informal political theory' (1989) 17 Politics and Society 410

West R, 'The difference in women's hedonic lives: a phenomenological critique of feminist legal theory' (2000) Wisconsin Women's Law Journal 210